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10/706,528	11/12/2003	Elsie A. Jordan	AE207 / 2003	7696

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EXAMINER

BOYER, CHARLES I

ART UNIT PAPER NUMBER

1751

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,528

Applicant(s)

JORDAN ET AL.

Examiner

Charles I Boyer

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07/21/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The use of the trademarks BEROL, PLUROFAC, BITREX, ELFACOS, AND VERSENE has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

1. Claims 14, 15, 20, 25, 29, 30, 36, 39, 40, 43, 44, 46, 48-52, and 65 are objected to because of the following informalities: Claims 14, 15, and 30: "of to" should read "of up to"

Claim 20: "edetate" is misspelled

Claims 25, 29, 36, and 48: the dependency is incorrect

Claims 39 and 40 are duplicates

Claim 43: "%-olefins" is not understood, and line 5 is missing a closed parenthesis

Claim 44: line 2 is missing a closed parenthesis, and "vinylpyridine" is misspelled

Claim 46: "lauroamphoglycerinates" is misspelled

Claims 49-52: "composition prepared" should read "composition is prepared"

Claim 65: "claims 64 and 64" needs correction

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 12, 21-23, 43, 47, and 54 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 refers to quaternary compound, yet a nonionic surfactant is described.

Claim 12 cites anionic surfactants that are not alkyl sulfates, as required from claim 11.

In claim 21, "disodium salts of magnesium, etc" are not compounds found in nature.

Claims 22 and 23 lack antecedent basis for "combination thereof."

Claim 43 lacks antecedent basis for "alkylated polyvinylpyrrolidone."

Claim 47 lacks antecedent basis for "scouring agent."

In claim 54, VERSENE is an EDTA, not a surfactant.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Before citing the references against the present claims, the examiner would like to state for the record that due to the inordinate breadth of the present claims, requiring

Art Unit: 1751

only a composition containing a polyvinylpyrrolidone and surfactant, the examiner estimates there are hundreds of references that would anticipate at least claim 1 of the present application. The prior art is replete with detergent compositions containing polyvinylpyrrolidone. Though applicants' ultimate utility is a wheel cleaner, if the present claims are deemed patentable, applicants could use the present composition for any purpose, not just as a wheel cleaner. In order to avoid an onerous action, the examiner has focused on hard surface cleaners in order to identify the closest prior art, which art is cited below. Applicants should be aware however, that there are many other references that could have been cited against the present invention. Any response from applicants to the references cited below that does not also address the fact that their claims are extremely broadly written, together with a clear statement of what applicants consider to be the novelty of their invention, would likely not be successful in rendering those claims allowable.

2. Claims 1, 2, 5, 8-15, 18-20, 22, 23, 28, 39, 40, 64, and 65 are rejected under 35 U.S.C. 102(b) as being anticipated by Russo et al, US 5,759,980.

Russo et al teach car wash compositions (see abstract). An example of such a composition comprises 0.4% polyvinylpyrrolidone/acrylic acid, 3% monoethanolamine, 20% dodecylbenzenesulfonate, 3% ethoxylated nonylphenol, EDTA, and the balance water (col. 14, example 1). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Art Unit: 1751

3. Claims 1-5, 8-16, 22, 23, 28, 44, and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Willey et al, US 5,726,139.

Willey et al teach glass cleaning compositions (see abstract). An example of such a composition comprises 0.25% polyvinylpyridine-N-oxide, 2% ethanol, 0.1% alkylbenzenesulfonate, 0.04% ethoxylated alcohol, and the balance water (col. 12, example 5). Another example comprises 0.15% polyvinylpyridine-N-oxide, 4% isopropanol, 0.2% cocoamidopropylbetaine, 0.02% sodium bicarbonate, and the balance water (col. 12, example 4). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

4. Claims 1-5, 8-16, 18, 22, 23, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Gordon et al, US 6,484,735.

Gordon et al teach hard surface cleaners (see abstract). An example of such a composition comprises 0.5% polyvinylpyrrolidone/vinyl acetate, 0.3% 2-butyl octyl alcohol, 0.8% dodecylbenzenesulfonate, 5% ethoxylated alcohol, sodium carbonate, sodium citrate, and the balance water (col. 22, example H). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

5. Claims 1-7, 18, 22, 23, 28, 34, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Pace et al, US 6,333,299.

Pace et al teach acidic hard surface cleaners (see abstract). An example of such a composition comprises 0.05% polyvinylpyrrolidone, 4% ethoxylated alcohol, 0.35%

Art Unit: 1751

xanthan gum, 2% citric acid, and the balance water (col. 18, example XI). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

6. Claims 1-9, 13-15, 18-23, 28, and 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Ginn, US 4,348,292.

Ginn teaches degreasing compositions, an example of such comprises 1% polyvinylpyrrolidone, 12% monoethanolamine, 5% betaine, 4.5% cationic surfactants, 10% EDTA, 8% citric acid, and the balance water wherein the compositions are diluted with water before use (col. 5, example III). Note that these compositions may be used in carwash formulations (col. 2, line 31). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo et al, US 5,759,980.

Russo et al are relied upon as set forth above. With respect to presently claimed detergent additives such as phosphates and silicates, such additives are extremely

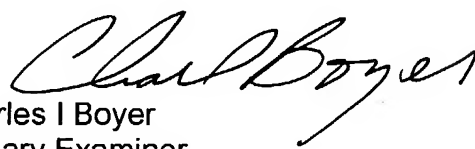
Art Unit: 1751

common in the detergent arts and do not represent an unobvious difference over the prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles I Boyer
Primary Examiner
Art Unit 1751